

# MAINE STATE LEGISLATURE

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No ✓  
June 6, 1966

Edward C. Hinckley, Commissioner

Indian Affairs

Jerome S. Matus, Assistant

Attorney General

Vehicle Lights for Indian Constables

FACTS:

By memo dated June 1, 1966, you have indicated that you are anxious to obtain and issue to each Indian Constable a flashing blue light of the type that plugs into a car's cigarette lighter and is mounted by suction cups on a car's dashboard or roof for use as necessary when performing his official law enforcement duties within the limits of the reservation of his tribe.

QUESTION:

Is the use of such a flashing blue light for law enforcement work by the Indian Constables within the reservations permissible?

ANSWER:

Yes.

OPINION:

22 M.R.S.A. § 4716 provides that special constables have ". . . like powers and duties of constables and police officers within towns and cities, in the enforcement of the laws of the State, within the limits of the reservation of his tribe, with authority to take any offender before any court of competent jurisdiction within his county. . . ."

The statutory provision relating to the use of blue beams of lights on motor vehicles is found in 29 M.R.S.A. § 1368, subsection 2, which reads:

"Lights used on police department vehicles and on motor vehicles operated by chiefs of police, state fire inspectors, inland fisheries and game wardens, sea and shore fisheries wardens, sheriffs and deputy sheriffs shall emit a blue beam of light."

Since Indian Constables upon Indian reservations have like powers and duties as constables and police officers within towns and cities, they are in effect a police department for the Indian reservation. The vehicles that they use in the performance of their police duties are police department vehicles. Therefore, the lights used on these vehicles by these constables in the performance of their duties are lights used on police department vehicles. It follows that 29 M.R.S.A. § 1368, subsection 2 is applicable and lights emitting blue beams may be used on Indian Constable vehicles upon Indian reservations if the constable is in the performance of his official duties.

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Jerome S. Matus  
Assistant Attorney General

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